

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

KERRY HUNTLEY,

Petitioner,

vs

9:00-CV-191

SUPERINTENDENT, Supt. of Southport Corr. Facility,

Respondent.

APPEARANCES:

OF COUNSEL:

KERRY HUNTLEY
Petitioner, Pro Se
96-A-6846
Southport Correctional Facility
Box 2000
Pine City, NY 14871

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STEVEN H. SCHWARTZ, ESQ.
Asst. Attorney General

DAVID N. HURD
United States District Judge

DECISION and ORDER

Petitioner, Kerry Huntley, brought this petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. By a report recommendation dated December 5, 2006, the Honorable George H. Lowe, United States Magistrate Judge, recommended that the petition for a writ of habeas corpus be denied and dismissed. Petitioner filed timely objections.

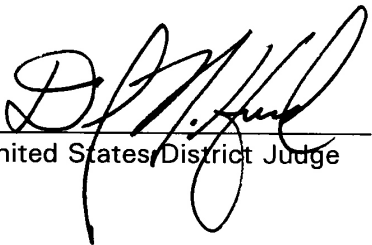
Based upon a de novo determination of the report and recommendation, including the portions to which petitioner objected, the Report-Recommendation is accepted and adopted in whole. See 28 U.S.C. 636(b)(1); Rule 10, Rules Governing Section 2254 Cases.

Accordingly, it is

ORDERED that the petition is DENIED and DISMISSED in its entirety.

IT IS SO ORDERED.

Dated: January 29, 2007
Utica, New York.


United States District Judge